

# UNITED STATES DISTRICT COURT

for the  
Southern District of Illinois

|                                   |   |  |
|-----------------------------------|---|--|
| <u>Antwon D. Jenkins</u>          | ) | Case Number: <u>21-1371-JPG</u><br>(Clerk's Office will provide) |
| _____                             | ) |  |
| _____                             | ) |  |
| _____                             | ) |  |
| _____                             | ) |  |
| <i>Plaintiff(s)/Petitioner(s)</i> | ) |  |
| v.                                | ) | <input type="checkbox"/> CIVIL RIGHTS COMPLAINT                  |
|                                   | ) | pursuant to 42 U.S.C. §1983 (State Prisoner)                     |
| <u>Kenny Benzing et al.</u>       | ) | <input checked="" type="checkbox"/> CIVIL RIGHTS COMPLAINT       |
| _____                             | ) | pursuant to 28 U.S.C. §1331 (Federal Prisoner)                   |
| _____                             | ) | <input type="checkbox"/> CIVIL COMPLAINT                         |
| _____                             | ) | pursuant to the Federal Tort Claims Act, 28 U.S.C.               |
| <i>Defendant(s)/Respondent(s)</i> | ) | §§1346, 2671-2680, or other law                                  |

## I. JURISDICTION

### Plaintiff:

- A. Plaintiff's mailing address, register number, and present place of confinement.

Antwon D. Jenkins Federal No:09778-025  
Po Box 1000  
FCI Talladega  
Talladega, Alabama 35160

### Defendant #1:

- B. Defendant Kenny Benzing is employed as  
(a) (Name of First Defendant)

Jail Administrator  
(b) (Position/Title)

with Marion County Jail- 204 N. Washington Street Salem, Illinois  
(c) (Employer's Name and Address)

62881

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: The Defendant was employed by the United States Marshal Service and the State Government of Illinois

**Defendant #2:**

C. Defendant John/Jane Doe (Marion County Sergeant #1) is employed as

(Name of Second Defendant)

Sergeant at Marion County Jail

(Position/Title)

with 204 N. Washington Street Salem, Illinois 62881

(Employer's Name and Address)

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If you answer is YES, briefly explain: The Defendant was employed by the United States Marshal Service and the State Government of Illinois

**Additional Defendant(s) (if any):**

D. Using the outline set forth above, identify any additional Defendant(s).

**Defendant #3-** John/Jane Doe (Marion County Jail (Sergeant #2) is employed as a Sergeant at Marion County Jail located at 204 N. Washington Street Salem, Illinois 62881 The Defendant is employed by the United States Marshal Service and the State Government of Illinois

**Defendant #4-** John/Jane Doe (Marion County Jail Correction Officer #1) is employed as a Correctional Officer at Marion County Jail located at 204 N. Washington Street Salem, Illinois 62881 The Defendant is employed by the United States Marshal Service and the State Government of Illinois

**Defendant #5-** Allison Alexander is employed as a Nurse at Marion County Jail, which is located at 204 N. Washington Street Salem , Illinois 62881 The Defendant is employed by the State Government of Illinois

## II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court while you were in prison or jail (during either your current or a previous time in prison or jail), e.g., civil actions brought under 42 U.S.C. § 1983 (state prisoner), 28 U.S.C. § 1331 (federal prisoner), 28 U.S.C. §§ 1346, 2671-2680, or other law? ☒ Yes ☐ No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. **List ALL lawsuits in any jurisdiction and indicate the court where they were filed to the best of your ability**, including those that resulted in the assessment of a "strike" under 28 U.S.C. § 1915(g) and/or those that were dismissed for being frivolous, malicious, or for failure to state a claim (see 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e)(2); Federal Rule of Civil Procedure 12(b)(6)). FAILURE TO FULLY DISCLOSE YOUR LITIGATION HISTORY, INCLUDING "STRIKES," MAY RESULT IN SANCTIONS THAT INCLUDE DISMISSAL OF THIS ACTION.

1. Parties to previous lawsuits:  
Plaintiff(s): Antwon D. Jenkins

Defendant(s): Randy Cobb

2. Court (if federal court, name of the district; if state court, name of the county): United States District Court for the Southern District of Illinois
3. Docket number: 17-cv-937-JPG-MAG
4. Name of Judge to whom case was assigned: Honorable Phil Gilbert
5. Type of case (for example: Was it a habeas corpus or civil rights action?): Civil Rights Action
6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?): The case is still pending

7. Approximate date of filing lawsuit: August 22, 2017
8. Approximate date of disposition: Currently Pending
9. Was the case dismissed as being frivolous, malicious, or for failure to state a claim upon which relief may be granted and/or did the court tell you that you received a "strike?"
- No, the case is still pending

**III. GRIEVANCE PROCEDURE**

- A. Is there a prisoner grievance procedure in the institution? ☒ Yes ☐ No
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☒ Yes ☐ No
- C. If your answer is YES,
1. What steps did you take?
- I filed numerous grievances that were denied or never addressed
2. What was the result?
- My grievances were either denied or never addressed
- D. If your answer is NO, explain why not.
- N/A
- E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? ☐ Yes ☒ No
- N/A
- F. If your answer is YES,
1. What steps did you take?
- N/A

2. What was the result?

N/A

G. If your answer is NO, explain why not.

N/A

H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:

I have attached copies of the grievances that were answered.  
The rest of the grievances were not addressed or returned.  
**See Exhibit A (Marion County Grievances)**

**COP****MARION COUNTY JAIL  
GRIEVANCE FORM**DATE: 9-25-19 NAME: Antwon Jenkins CELL: E6

**COMPLAINT OR REQUEST:** I just arrived here and I was placed  
in a cell block (E-Block) with majority state inmates. I am  
in the custody of the US marshals. Upon my arrival several  
state inmates have indicated that Federal inmates are not favored  
in E-Block. Majority of the inmates are from Centelle or the  
surrounding area. I am from East St Louis. Would you please  
move me to another block with federal inmates

INMATE SIGNATURE & DATE: [Signature] 9-25-19

**RESPONSE:** Given to marshals to make arrangements

RESPONDER SIGNATURE, TITLE & DATE: [Signature] Sgt 9-25-19 @ 2130**GRIEVANCE PROCEDURE:**

- Step 1: Discuss your grievance or request with an Officer. If the Officer cannot solve the grievance or fulfill the request, proceed to Step 2.
- Step 2: Submit a completed GRIEVANCE FORM to the Jail Sergeant. If your grievance is not resolved, you can proceed to Step 3.
- Step 3: Submit a completed GRIEVANCE FORM to the Jail Administrator. If your grievance is not resolved, you can proceed to Step 4.
- Step 4: Submit a completed GRIEVANCE FORM to the Sheriff. The decision of the Sheriff will be final.

**INMATES HAVE 24 HRS. FROM THE TIME OF AN INCIDENT TO FILE A GRIEVANCE &  
 24 HRS. FROM EACH TIME A GRIEVANCE IS DENIED TO APPEAL TO THE NEXT STEP.**

**COPY****MARION COUNTY JAIL  
GRIEVANCE FORM**DATE: 9-27-19NAME: Anthony JenkinsCELL: E-V

**COMPLAINT OR REQUEST:** This is my second grievance about being housed in E-Block with majority state inmates. Things are becoming heated in here. Another Federal inmate (Vaughn) that also recently arrived has filed a grievance about the same thing. I would like to be moved to another block, with Federal inmates. I'm not from this area and it is a lot of guys from Centralia. They are sticking together and one of them says that he is the "Block Boss". I'm not looking for any trouble. I just want to be safe.

**INMATE SIGNATURE & DATE:** [Signature] 9-27-19

**RESPONSE:** Same answer as Vaughn. We have an order in. Check with Guards everyday show them

**RESPONDER SIGNATURE, TITLE & DATE:** [Signature] 9-28-19 @ 0935

**GRIEVANCE PROCEDURE:**

- Step 1: Discuss your grievance or request with an Officer. If the Officer cannot solve the grievance or fulfill the request, proceed to Step 2.
- Step 2: Submit a completed GRIEVANCE FORM to the Jail Sergeant. If your grievance is not resolved, you can proceed to Step 3.
- Step 3: Submit a completed GRIEVANCE FORM to the Jail Administrator. If your grievance is not resolved, you can proceed to Step 4.
- Step 4: Submit a completed GRIEVANCE FORM to the Sheriff. The decision of the Sheriff will be final.

**INMATES HAVE 24 HRS. FROM THE TIME OF AN INCIDENT TO FILE A GRIEVANCE & 24 HRS. FROM EACH TIME A GRIEVANCE IS DENIED TO APPEAL TO THE NEXT STEP.**

MARION COUNTY JAIL  
GRIEVANCE FORMDATE: 10-16-19 NAME: Antwan Jenkins CELL: E6

**COMPLAINT OR REQUEST:** I am a Federal inmate that arrived here last month. I have complained twice about being moved from E-Block. I am being housed with State inmates from Centralia & the surrounding area. These State inmates have made repeated threats that they do not like Federal inmates or guys from E-St Louis. They are sticking together and one of them is a "Block Boss". He says that he controls the tv. He has made threats; I continue to overlook them. I'm not trying to fight, I'm trying to be safe.

INMATE SIGNATURE & DATE: [Signature] 10-16-19

**RESPONSE:** You are not expected to understand why, but you are expected to respect it as it is a facility rule/policy.

RESPONDER SIGNATURE, TITLE & DATE: Administrator Benzing 10/18/19**GRIEVANCE PROCEDURE:**

- Step 1: Discuss your grievance or request with an Officer. If the Officer cannot solve the grievance or fulfill the request, proceed to Step 2.
- Step 2: Submit a completed GRIEVANCE FORM to the Jail Sergeant. If your grievance is not resolved, you can proceed to Step 3.
- Step 3: Submit a completed GRIEVANCE FORM to the Jail Administrator. If your grievance is not resolved, you can proceed to Step 4.
- Step 4: Submit a completed GRIEVANCE FORM to the Sheriff. The decision of the Sheriff will be final.

INMATES HAVE 24 HRS. FROM THE TIME OF AN INCIDENT TO FILE A GRIEVANCE &  
24 HRS. FROM EACH TIME A GRIEVANCE IS DENIED TO APPEAL TO THE NEXT STEP.



MARION COUNTY JAIL  
GRIEVANCE FORM

**COPY**  
DATE: 7-9-20

NAME: Archie Smith CELL: C-7

**COMPLAINT OR REQUEST:** Today I was denied ~~my~~ pain medication by the nurse. This stems from a surgery that I had on my self in November 2014. Since then I have been having complications as a result. Leg extreme headache, black-out, dizziness, and nerve damage. The ~~nurse~~ nurse informed that I would be going to see a doctor. But I requested to be provided with pain relievers until then. The nurse told me that I had "plenty" money in my books? I should buy anal. Well I have 2 they are not strong enough. My headaches are massive. And Jim FERGUSON, of the US Marshall pay for it.

INMATE SIGNATURE & DATE: [Signature] 7-8-21

**RESPONSE:** This is a medical situation. This will be forward to J.A and Nurse for Review

RESPONDER SIGNATURE, TITLE & DATE: [Signature] Sgt 7-9-20 @ 1731

**GRIEVANCE PROCEDURE:**

- Step 1: Discuss your grievance or request with an Officer. If the Officer cannot solve the grievance or fulfill the request, proceed to Step 2.
- Step 2: Submit a completed GRIEVANCE FORM to the Jail Sergeant. If your grievance is not resolved, you can proceed to Step 3.
- Step 3: Submit a completed GRIEVANCE FORM to the Jail Administrator. If your grievance is not resolved, you can proceed to Step 4.
- Step 4: Submit a completed GRIEVANCE FORM to the Sheriff. The decision of the Sheriff will be final.

INMATES HAVE 24 HRS. FROM THE TIME OF AN INCIDENT TO FILE A GRIEVANCE & 24 HRS. FROM EACH TIME A GRIEVANCE IS DENIED TO APPEAL TO THE NEXT STEP.

#### IV. STATEMENT OF CLAIM

- A. State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments or citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits. You should also attach any relevant, supporting documentation.

**Claim #1**– On September 25, 2019, the Plaintiff arrived at Marion County Jail on a writ from the Bureau of Prisons (BOP). He was transferred to Marion County Jail for resentencing in his Federal Case. (See *US v. Jenkins*, 932 F.3d 556 (7th Cir. July 30, 2019) and Case No: 12-cr-30239-SMY--(S.D.IL)). He was placed in E-Block of Marion County Jail. Majority of the inmates in E-Block were State detainees from local towns, namely Centrailla, Illinois. Those detainees informed the Plaintiff that they "did not like" Federal inmates and because Plaintiff was from "East St. Louis" he would "not be safe in there". On September 25, 2019, September 27, 2019, and October 16, 2019, the Plaintiff filed grievances with Marion County Jail Administrator Kenny Benzing, John/Jane Doe (Marion County Sergeant #1), John/Jane Doe (Marion County Jail Sergeant #2), and John/Jane Doe (Marion County Correctional Officer #1), regarding his safety, asking to be moved to a different cell block (with other federal inmates), and the State inmates threats (and assertion of being a "Block Boss"). The Plaintiff's requests went unanswered. On November 11, 2019, at or about 7:00pm, the Plaintiff and (a State inmate only known as "TG"), got into an altercation where the Plaintiff was assaulted after ("TG") informed the Plaintiff that he could not watch t.v., because he was not from Centrailla. The Plaintiff was badly injured and was transported to a hospital in St. Louis, Missouri, where he underwent surgery on his left eye. The Plaintiff's tear duct was severely damaged and required immediate surgery. He also received a deep cut on his right cheek. This cut also required surgery to repair the wound. The Plaintiff believes that he was cut on stabbed with a sharp object in his face. The Plaintiff's eye continues to grow worst as time moves on. His vision is now blurry, he has headaches, blackouts, dizziness, and sometimes passes out. He also suffers from nerves damage in his right cheek from his injuries. On July 8, 2020, Plaintiff complained to Nurse Allison Alexander (Marion County Nurse), regarding his continue pain that resulted from his injuries. He was informed to he would not receive any medication, because he "had plenty money" on his prison account. He informed Nurse Alexander that the pain medicine being sold on commissary was not strong enough. His complains were not addressed and he was forced to endure the pain. The staff at Marion County failed to protect the Plaintiff and failed to treat his medical condition after the assault.

ATTACHMENTS FOR ADDITIONAL CLAIMS

**Claim #2-** In February 2020, the Coronavirus (COVID-19), swept across the United States and other countries. The President and State Governors declared a State of Emergency. The Governor of the State Of Illinois imposed a mask mandate. This required all citizens of the State of Illinois to wear masks to avoid spreading COVID-19. While the Plaintiff was incarcerated at Marion County Jail between the dates of September 25, 2019 to December 4, 2020, officers refused to follow the required mask mandate. Officers were not following proper protocol from the CDC to prevent the spread of COVID-19. The Jail Administrator Kenny Benzing did not require Marion County Jail staff to wear PPE mask, did not provide the inmate population with PPE mask, did not quarantine inmates (for the time required by the CDC) before placing them into cell blocks (many inmates were arrested placed in the same cell block as Plaintiff and then released the following day. The same process would be followed with State and local inmates. This exposed the Plaintiff to COVID-19), did not supply the Plaintiff (or inmate population with the proper cleaning supplies to maintain a clean living quarter), did not quarantine inmates that suffered from COVID-19 symptoms, did not conduct COVID-19 tests on the inmate population, and Nurse Allison Alexander informed the inmate population that "if anyone complained about being sick from COVID-19 [that person] would be locked down for the remainder of [their stay] at Marion County Jail" and Nurse Alexander noted that her remarks were "from the CDC". On November 17, 2020, the Plaintiff and the entire C-Block contracted COVID-19. The Plaintiff complained to Nurse Alexander and was told that she was not doing COVID-19 tests. The Plaintiff is currently suffering from the long term effects of COVID-19. He is fatigued, dizzy, has shortness of breath, loss of his taste (and smell from time to time), and elevated heart rate (he has had to see numerous doctors regarding his heart rate). The Defendant Kenny Benzing actions to disregard the mask mandate and provide a safe environment resulted in the Plaintiff contracting COVID-19 and now it is effecting his overall health. And Nurse Alexander's refusal to conduct COVID-19 test contributed to a toxic environment during the pandemic.

**Claim #3-** During the Plaintiff's stay at Marion County Jail from September 25, 2019 to December 4, 2020, he was not provided with an opportunity for recreation. Marion County Jail does have a gym for inmate recreation. The Plaintiff was forced to remain in a closed in cell block with 15 other inmates for 24 hours a day. The Defendant Kenny Benzing does not allow inmates to exercise inside of the cell block. Once an inmate begins to workout an correctional officer will announce over the intercom that working out is prohibited and will result in the inmate being locked down for a month. Several times during his stay at Marion County Jail, the Plaintiff complained to Defendant's Kenny Benzing, John/Jane Doe (Marion County Sergeant #1), John/Jane Doe (Marion County Sergeant #2), and John/Jane Doe (Marion County Correctional Officer #!) about the lack of recreation. The Plaintiff suffers from asthma and the lack of fresh air caused him to have several asthma attacks and back pain. He was not able to stretch his joints and his body begun to lock up.

**V. REQUEST FOR RELIEF**

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

The Plaintiff seeks the following:

**Claim #1 (\$850,000)**

**Claim #2 (\$650,000)**

**Claim #3 (\$500,000)**

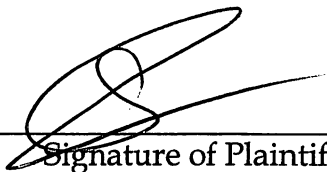
**VI. JURY DEMAND** (*check one box below*)

The plaintiff ☒ does ☐ does not request a trial by jury.

**DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11**

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed October 25, 2021  
on: (date)

  
Signature of Plaintiff

Po Box 1000- FCI Talladega  
Street Address

Antwon D. Jenkins  
Printed Name

Talladega, Alabama 35160  
City, State, Zip

09778-025  
Prisoner Register Number

\_\_\_\_\_  
Signature of Attorney (if any)





Big O

MAIL CLEARED  
US MARSHALS

\*\*\*\*\*LEGAL MAIL\*\*\*\*\*  
CLERK

United States District Court for  
the Southern District of Illinois  
301 West Main Street 1st Floor  
Benton, Illinois 62812



Antwon Jenkins  
09778-025  
Po Box 1000  
FCI Talladega  
Talladega Alabama 35160



**RECEIVED**

NOV 01 2021

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
BENTON OFFICE